

MINUTES
NEW DURHAM CONSERVATION
COMMISSION
JUNE 30, 2009

Chairperson Dennis Gagne called the meeting to order at 7:12 PM.

Roll Call: Dennis Gagne (Chair), Terry Jarvis (Selectman's Representative), Bill Malay (Alternate), Bob Craycraft (Alternate)

Excused Absence: Charlie Berube (Vice-Chair) **Unexcused Absence:** none

Others Present: David Bickford, Cathy Allyn

Woodward Conservation Easement: Dennis Gagne reported that Tom Woodward was ready to move forward with a donation of a conservation easement to the Society for the Protection of New Hampshire Forests on his property next to Coldrain Pond. Mr. Woodward wants to complete the transaction by December 31 of this year to ensure the maximum tax advantage.

Dennis Gagne suggested the Commission provide about \$15,000 to help cover transaction costs and the cost of a contribution to the SPNHF easement monitoring endowment. He said they should not contribute to Mr. Woodward's legal fees.

Terry Jarvis said that she felt it was important to maintain some proportionality in the amount the town contributes. She noted the Town had given about \$5,000 toward Mr. Holm's 33 acres, and this case is \$15,000 toward 100 acres which is quite proportional.

Terry Jarvis moved to commit an amount not to exceed \$5,000 toward the transaction expenses associated with the donation by Thomas D. Woodward of a conservation easement to the Society for the Protection of New Hampshire Forests on approximately 100 acres located off Brackett Road and on Coldrain Pond; further to contribute \$10,000 to the Forest Society Stewardship Endowment to provide for the perpetual monitoring and enforcement of the easement; all subject to the conditions that: (a) the Town of New Durham be granted an Executory Easement in the Woodward easement, and (b) the easement provide for permanent daytime public

pedestrian access to the trails on the property, except during times of active forest management.

Bill Malay suggested that the requirement for pedestrian access to the trails was desirable, but not something the Town should make a condition of acceptance and suggested striking the second condition from the motion. Terry Jarvis agreed to restate the motion after the second colon “;” to read as follows: “**subject to the conditions that the Town of New Durham be granted an Executory Easement in the Woodward easement.**” **Bill Malay seconded the motion. Approved unanimously with no abstentions.**

Dennis Gagne said he would try to get it on the agenda for the Board of Selectmen on Monday, July 6.

Gibson Permit by Notification: Commission members reviewed the application of Dan Gibson. Bob Craycraft asked how the applicant decided on a 12” culvert instead of an 18”. He said the photographs showing large boulders in the streambed suggest there is sometimes very heavy water flow. Terry Jarvis noted that there was no sketch of the conditions of the property. She wondered if there may be wetlands involved which would necessitate an application to the ZBA. David Bickford wondered if the proposed culvert is to replace something that was there before. The Commission asked Mr. Allen to draft a letter to Mr. Gibson asking him to provide a sketch of the property’s current conditions, and ask his rationale for the 12” culvert, in order to facilitate review and approval of his permit request by NHDES.

Thibodeau Shoreland Permit: Commission members reviewed the application of x Thibodeau. The information provided was inadequate to determine if the proposal meets town and state regulatory requirements. Members need to see information on the slope of the land, when trees were cleared, the measurements of the lot, how calculations of impermeable surface were made, where existing structures are located on the lot, and where the garage will be located. The existing impermeable surface appears to exceed 20%, but no stormwater management plan is provided. The Commission asked David Allen to send a letter to NHDES asking them to require the necessary information before considering the permit.

McKay Gravel Pit:

Commission members reviewed the application materials for the McKay gravel pit. Dennis Gagne asked if Planning Board members had noticed any concerns on their site walk. David Allen said he was not aware of any. Bill Malay said that he has been on the gravel pit property several times during the year in order to access locations on Merrymeeting Lake for monitoring the quality of the lake water. He always looks at

the stream bed near the pit to see if there are any signs of runoff or pollution. He has not seen any problems since the permit was last renewed in 2007. Dennis Gagne said that he, too, had been on the property while walking and had seen no problems. The Commission agreed by consensus to ask Mr. Allen to draft a letter to the Planning Board indicating that the Conservation Commission has no concerns about the gravel pit at this time.

Commission Members:

Commission members agreed to invite Ryan Heath and Jaimie Brulette to join the Commission. Dennis Gagne will contact them.

Red Oak Conservation Progress:

Dennis Gagne shared an email he had received from Mike Speltz, staff for the Forest Society. Mr. Speltz reported that he had spoken to Mr. Josh Gruss, principal of Red Oak Ridge, LLC, about signing an application to the Forest Legacy Conservation grant program. Mr. Gruss said he did not want to actively pursue conservation funds because they were not sure of their long term plans.

Mr. Gagne said he thought that Red Oak was contractually obligated to cooperate in finding grant funding. He added that he felt the town should be proactive in this situation and push hard for cooperation. David Bickford said he thought it might constitute breach of contract, and if so, the town should consider terminating the contract between the Planning Board and Red Oak. Bill Malay and Terry Jarvis agreed that the Town should be pro-active. Members agreed to ask the Board of Selectmen to review the situation and take appropriate action.

Cocheco River Signs:

The Commission discussed location of signs for the Cocheco River and agreed the appropriate location is on Middleton Road where the River crosses the road. Dennis will follow up.

State Parks:

Dennis Gagne asked people to call the governor's office and express strong opposition to reducing the number of state parks.

Minutes: Dennis Gagne moved to accept the minutes of April 27, 2009 with minor amendments. Terry Jarvis seconded. Approved unanimously with no abstentions.

Adjourn: Dennis Gagne moved to adjourn at 9:28 PM. Bill Malay seconded. Approved unanimously with no abstentions.

Respectfully submitted,

David Allen
Land Use Administrative Assistant

Minutes approved on August 25, 2009.